

FILED

**United States District Court
for the
District of Montana**

JUN 04 2012

PATRICK E. DUFFY, CLERK
By
DEPUTY CLERK, MISSOURI

**Amended Petition for
Warrant or Summons for Offender Under Supervision**

Name of Offender: **John Patrick McGuire** Case Number: **CR 95-117-BLG-DWM-09**

Name of Sentencing Judicial Officer: United States District Judge Donald W. Molloy

Date of Original Sentence: March 16, 1999

Date of Re-sentencing: March 24, 2008

Original Offense:	Ct. 2: Bank Fraud Ct. 28: Hobbs Act Ct. 29: Use or Carry of Firearm During a Crime of Violence Cts. 39, 42 and 43: Felon in Possession of a Firearm	Offense Code:	Ct. 2: 18 U.S.C. §§ 1344 and 2 Ct. 28: 18 U.S.C. §§ 1951 and 2 Ct. 29: 18 U.S.C. §§ 924(c)(1) and 2 Cts. 39, 42 and 43: 18 U.S.C. § 922(g)(1)
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Original Sentence: 180 Months custody and 5 years supervised release

Re-sentence: 60 Months custody and 5 years supervised release

Type of Supervision:	Supervised Release	Date Supervision Commenced:	March 24, 2008
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Assistant U.S. Attorney: Defense Attorney (Appointed)

Mr. James Seykora P.O. Box 1478 Billings, Montana 59103 406-657-6101	Mr. Sean P. Goicoechea P.O. Box 7370 Kalispell, Montana 59904 406-751-6000
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PETITIONING THE COURT

- To issue a Warrant
- To issue a Summons
- No action required; Warrant previously issued and offender in custody at this time.

Background

On March 16, 1999, the defendant appeared before United States District Judge John C. Coughenour, having been convicted of Bank Fraud in violation of 18 U.S.C. 1344, § 2, Hobbs Act in violation of 18 U.S.C. § 1951, § 2, Use of a Firearm During a Crime of Violence in violation of 18 U.S.C. § 924(c)(1), § 2, and Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)(1). The offense involved the defendant and others engaging in a scheme to generate fraudulent and worthless documents, which were designed to be used as negotiable financial instruments, and were presented to financial institutions, commercial establishments, government agencies, and private individuals in an effort to purchase goods and services, and to pay existing private and government debts. Further, the defendant and others took a camera and sound equipment from an American Broadcasting Company (ABC) crew at gunpoint, used a firearm in furtherance of this law violation, and possessed a firearm after being convicted of a felony offense.

The defendant was sentenced to 180 months custody and 5 years supervised release. After a remand from the Ninth Circuit Court of Appeals, the defendant was re-sentenced on March 24, 2008, to 60 months on each of Counts 2, 28, 39, 42 and 43 concurrent and 60 months on Count 29 consecutive for a total of 120 months, with credit for time served. The defendant was released on that day. He signed the terms of his supervision on March 24, 2008.

On February 11, 2010, a Report on Offender Under Supervision was filed. The report informed the Court that the defendant had violated his conditions of supervision by having contact with an individual convicted of a felony without receiving permission from the probation office. The defendant was admonished for his conduct and the condition prohibiting the conduct was again explained. The defendant acknowledged his understanding of the condition and agreed to comply with the condition. The Court concurred with this response to the non-compliance.

Since that time, the probation officer believes the offender has violated the following condition(s) of supervision:

<u>Violation No.</u>	<u>Nature of Noncompliance</u>
1	Standard Condition #9: " <i>The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.</i> "

On May 21, 2010, the defendant's residence was searched. During the search, mail received from co-defendant Rodney Skurdal was located. This mail was addressed to the defendant from "Rod Sovereign, 837 ½ West G Road, Huntley, Montana state (1889)".

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Standard Condition #2: *"The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month."*

Standard Condition: *"The defendant shall not commit another federal, state, or local crime."*

During the search of the defendant's residence on May 21, 2010, it was discovered the defendant paid rent to a storage unit at 4993 Occidental Road, unit #15, Santa Rosa, California. The defendant failed to indicate his rental of this unit on his Monthly Supervision Reports since his supervision started in the Northern District of California in September of 2009. In failing to indicate this information on his Monthly Supervision Report, the defendant failed to submit a truthful and complete report. Further, the defendant signed his Monthly Supervision Reports under notice that false information on the report is a violation of 18 U.S.C. § 1001 - Perjury.

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Standard Condition: *"The defendant shall not commit another federal, state, or local crime."*

During a search of the defendant's storage unit on May 21, 2010, a .45 caliber round of ammunition was located. The defendant's possession of a round of ammunition is in violation of 18 U.S.C. § 922(g).

The following violations are in addition to the original Petition in this Cause listing violations of

Probation supervised release:

Violation No. Nature of Noncompliance

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Standard Condition #2: *"the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month."*

The defendant failed to file a monthly report for the months of: March, April, May, June, July, August, September, October, November, and December of 2011; January, February, March, and April of 2012.

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Standard Condition #6: “the defendant shall notify the probation officer at least ten days prior to any change in residence or employment.”

On June 23, 2011, the defendant filed a document which listed his address at 1407 Townview Ave Apt 213, Santa Rosa, California 95495. On April 12, 2012, the defendant filed a document which listed his address at 495 N Main St #151, Lakeport, California 95453. The defendant failed to notify the probation officer ten days prior to this change in residence.

U.S. Probation Officer Recommendation: That the above noted violations be added to the original Petition to revoke supervision.

Jean M Keiley for

Eric C. Buehler
United States Probation Officer

Reviewed by:

Jean M Keiley 6/1/2012

Jean Keiley Date
Supervising United States Probation Officer

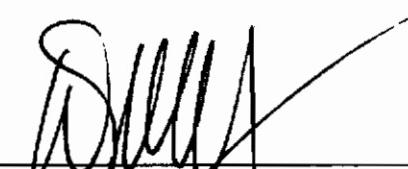
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THE COURT ORDERS this 4 day of

- No Action
 The issuance of a Warrant
 The issuance of a Summons
 Other


Donald W. Molloy
United States District Judge